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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION,

Plaintiff,

v.

DEPARTMENT OF JUSTICE and FEDERAL  
BUREAU OF INVESTIGATION,

Defendants.

Case No. 3:20-cv-09284-CRB

**STIPULATION AND [PROPOSED] ORDER  
REGARDING CASE MANAGEMENT  
CONFERENCE**

Date: June 4, 2021

Time: 8:30 a.m.

The Hon. Charles R. Breyer

WHEREAS, on December 22, 2020, Plaintiff American Civil Liberties Union Foundation (“Plaintiff”) filed the above-captioned complaint (ECF No. 1);

WHEREAS, on January 28, 2021, Defendants Department of Justice (“DOJ”) and Federal Bureau of Investigation (“FBI” and, collectively with DOJ, “Defendants”) filed their answer to the above-captioned complaint (ECF No. 17);

WHEREAS, on January 22, 2021, the Office of the Inspector General (“OIG”), a component of DOJ and a recipient of one of the FOIA requests at issue in the above-captioned lawsuit, responded to Plaintiff’s FOIA request to OIG, reporting that OIG did not locate any records responsive to Plaintiff’s FOIA request to OIG;

1 WHEREAS, on February 19, 2021, the Office of Information Policy (“OIP”), the component of  
 2 DOJ designated to process FOIA requests on behalf of the Office of the Attorney General (“OAG”), which  
 3 received one of the FOIA requests at issue in the above-captioned lawsuit, responded to Plaintiff’s FOIA  
 4 request to OAG on behalf of OAG, informing Plaintiff that no records responsive to Plaintiff’s FOIA  
 5 request to OAG were located;

6 WHEREAS, as a result of their respective responses, Plaintiff has agreed to dismiss OIG and OIP  
 7 (on behalf of OAG) from this lawsuit, and the parties will file a stipulation of dismissal of OIG and OIP  
 8 (on behalf of OAG), with prejudice, within 30 days of the Court’s approval of this stipulation;

9 WHEREAS, without confirming or denying that responsive records exist and expressly reserving  
 10 all its rights, FBI is currently conducting searches for responsive records regarding the four subparts of  
 11 the FOIA request to FBI that remain at issue in the above-captioned lawsuit, and FBI anticipates that its  
 12 searches will be finished on or before June 14, 2021;

13 WHEREAS, after FBI finishes its searches on or before June 14, 2021, the undersigned counsel  
 14 agree to meet and confer about a path forward in the above-captioned litigation and exchange as much  
 15 information as can reasonably be shared without prejudicing their respective legal positions in the  
 16 above-captioned lawsuit; and

17 WHEREAS, pursuant to Local Rule 6–2(a), there have been no previous time modifications in this  
 18 case and this requested time modification will not have a substantial effect on the schedule for the case.

19 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties as follows:

- 20 1. To allow FBI to complete its searches regarding the four subparts of the FOIA request to  
 21 FBI that remain at issue in the above-captioned lawsuit and to allow the parties to engage  
 22 in their contemplated meet and confer efforts, thereby allowing the parties to present a  
 23 more concrete plan for this litigation to the Court, the parties agree that the case  
 24 management conference currently scheduled for June 4, 2021 should be continued until  
 25 July 2, 2021;
- 26 2. The May 21, 2021 deadline to submit the initial case management conference statement  
 27 should be continued until June 18, 2021; and  
 28

3. The parties should file a stipulation of dismissal of OIG and OIP (on behalf of OAG), with prejudice, within 30 days of the Court's approval of this stipulation.

Dated: May 20, 2021

STEPHANIE M. HINDS  
Acting United States Attorney

/s/ Jevechius D. Bernardoni\*  
Jevechius D. Bernardoni  
Assistant United States Attorney

Dated: May 20, 2021

/s/ Arianna Demas  
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*Attorneys for Plaintiff*

*\*In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury that all other signatories have concurred in the filing of this document.*

**[PROPOSED] ORDER**

Upon consideration of the parties' stipulation, and good cause appearing therefore, it is hereby ORDERED that the stipulation is hereby GRANTED.

IT IS SO ORDERED.

Dated: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE CHARLES R. BREYER